


# Work Session

<b>Agenda Item #</b>	5
<b>Meeting Date</b>	February 14, 2005
<b>Prepared By</b>	Barbara B. Matthews
<b>Approved By</b>	

<b>Discussion Item</b>	Process for Evaluating the City Attorney
<b>Background</b>	<p>The City contracts with Silber &amp; Perlman, P.A. for legal services; Section III. B. of the contract between the City of Takoma Park and Silber &amp; Perlman, P.A. states that "The City shall conduct annual performance reviews of Corporation Counsel's work and also shall annually review and renegotiate, as appropriate, the monetary terms of this Contract." This annual review has not occurred for a number of years.</p> <p>To facilitate the City Council's discussion of how to proceed with the evaluation of Corporation Counsel, the City Manager contacted the Maryland Municipal League to request copies of evaluation forms for the position of City Attorney. In response to that request, the League contacted the International Municipal Lawyers Association, which provided copies of the forms used by various jurisdictions. Copies of these evaluation instruments are included as an attachment.</p> <p>City Attorney Susan Silber will be present at the work session to offer her thoughts on the evaluation process. The City Attorney has requested that appropriate City staff be included in the evaluation process in some fashion.</p>
<b>Policy</b>	In accordance with Section 902 of the Charter of the City of Takoma Park, the City Attorney is appointed by the City Council. The contract between the City and Silber & Perlman, P.A. provides for an annual evaluation. Such evaluations are a good mechanism of ensuring strong working relationships and of communicating priorities.
<b>Fiscal Impact</b>	None
<b>Attachments</b>	<p>Copy of contract between the City of Takoma Park and Silber &amp; Perlman, P.A.</p> <p>Copies of various evaluation forms for the position of City Attorney</p> <p>Memo dated February 10, 2005 from City Attorney Susan Silber to the City Council providing preliminary suggestions for the performance evaluation</p> <p>Memo dated January 28, 2005 from Mayor Kathy Porter to other members of the City Council regarding City Attorney rates</p>
<b>Recommendation</b>	Discuss process for evaluating the City Attorney and determine how the City Council should proceed
<b>Special Consideration</b>	

**CONTRACT BETWEEN**  
**THE CITY OF TAKOMA PARK, MARYLAND**

**AND**

**SILBER & PERLMAN, P.A.**

The City of Takoma Park, Maryland (hereinafter referred to as "City"), a municipal corporation, 7500 Maple Avenue, Takoma Park, Maryland 20912, hereby retains the law firm of Silber & Perlman, P.A. (hereinafter referred to as "Corporation Counsel"), 7000 Carroll Avenue, Suite 200, Takoma Park, Maryland 20912-4437, to provide legal services to the City on the terms and conditions set forth in this Contract.

**I. Legal Services.**

Corporation Counsel agrees to perform legal services for the City, and the City agrees that it will refer all its legal work to Corporation Counsel, except as stated in Article II.A. below. This includes, but is not limited to, legal services in connection with the following areas (as requested by the City and subject to the budgetary constraints of the City):

- Legislative drafting, including work on Charter, Code, ordinances, and resolutions.
- Advice to the Mayor and Council and attendance at City Council meetings, as needed.
- Draft, review, or give advice on municipal contracts, procurement, agreements, and other legal documents.
- Ethics, open meetings, and public information act issues.
- Community and economic development, including tree preservation, land use, master plan, and zoning issues.
- Housing matters, including rent stabilization, landlord-tenant affairs, and code enforcement.
- Personnel and labor relations matters, including collective bargaining.
- Prosecution of municipal infractions, civil suits, and/or administrative proceedings brought by the City, and defense of administrative appeals, lawsuits and claims brought against the City (except for cases and claims covered by the City's insurance where Corporation Counsel's role is to oversee and monitor such cases).

- Such other services, legal or otherwise, as directed by the Mayor and City Council or the City Administrator (or his designee).

## **II. Term of Contract.**

A. Corporation Counsel shall serve at the pleasure of the City Council. Either party may terminate this Contract by giving sixty (60) days written notice to the other party of its intention to terminate this Contract and its reasons therefor. The terminating party shall allow the other party to respond to any reasons given in the termination notice. Nothing in this section shall be interpreted to limit the right of either party to terminate the Contract for any reason upon compliance with the notice provisions of this section, nor shall this section be interpreted to limit the City's right to utilize other legal counsel on specialized matters which Corporation Counsel either does not handle or declines to handle, after consultation with the Corporation Counsel. Termination of this Contract shall not affect any fees or expenses due or owed by the City to Corporation Counsel.

B. This Contract replaces the contract for Corporation Counsel's services made December 17, 1986, between the City of Takoma Park and the Law Offices of Susan Silber, and the contract amendments made February 1, 1989 (effective date January 1, 1989), July 10, 1991 (with Silber, Andalman, Perlman & Flynn, P.A.), and the compensation increase in or about spring 1996 (with Silber, Andalman, Perlman & Flynn, P.A.). (The Law Offices of Susan Silber and Silber, Andalman, Perlman & Flynn, P.A. are predecessors to Silber & Perlman, P.A.)

## **III. Reviews.**

A. The City shall conduct annual performance reviews of Corporation Counsel's work and also shall annually review, and renegotiate as appropriate, the monetary terms of this Contract.

B. The failure to conduct any of such reviews shall not affect the validity of this Contract.

## **IV. Attorney's Fees and Expenses.**

A. The following rates shall apply to the work performed by the Corporation Counsel:

1. Legal services performed by the Corporation Counsel on behalf of the City shall be paid at the rate of \$125.00 per hour effective for services performed on or after March 1, 2001. Hourly time charges include, but are not limited to: Court or administrative hearing appearances, telephone calls, conferences, Council and staff meetings, travel, depositions, legal research, review of file materials or documents sent or received, correspondence, preparation time, drafting time, and any other services deemed necessary to perform the legal services set forth in this Contract.

2. Paralegals and law clerks on the staff of the Corporation Counsel shall be paid at a rate of \$65.00 per hour for work performed on behalf of the City.

3. The City shall pay reasonable and necessary expenses, including, but not limited to, court costs, administrative agency fees, service of process charges, investigative fees, expert witness fees, photocopy expenses, fax, messenger and delivery charges, computer-assisted research, long-distance calls, mileage, and other expenses.

B. Corporation Counsel shall bill for legal services and expenses on a monthly basis. All statements shall be due within 30 days of the date of the statement.

#### **V. Professional Activities and Training.**

A. Training and Professional Development. Corporation Counsel may be included in City staff training, Council retreats, and analogous programs.

B. Conferences, membership fees. The parties recognize and acknowledge that to be effective, Corporation Counsel needs to attend and/or join certain municipality-related professional activities, educational programs, and organizations. Participation will be at the discretion of Corporation Counsel and attendance and/or membership fees for such activities, education programs, and/or organizations shall be paid by the City when the City deems Corporation Counsel's participation to be in its best interests. For example, the City agrees to pay Corporation Counsel's expenses to attend the Maryland Municipal League (MML) Annual Convention in Ocean City, the MML Legislative Conference, and also to pay Corporation Counsel's membership dues to the International Municipal Lawyers Association and the MML Maryland Municipal Attorneys' Association.

#### **VI. Miscellaneous.**

A. It is understood that this Contract does not create an employment relationship and that Corporation Counsel has an independent private law practice. There shall be no restrictions on the Corporation Counsel's private practice of law, other than all applicable professional responsibility prohibitions against conflicts of interest.

B. This Contract shall be governed by and interpreted in accordance with the laws of the State of Maryland.

C. The foregoing provisions constitute the complete agreement between the parties with respect to the subject matter of this Contract. No modification, waiver, or amendment of any of the terms of this Contract shall be effective unless it is in writing and signed by both parties. This Contract shall be binding upon the parties and their successors and assigns.

IN WITNESS WHEREOF, the parties have set their hands and seals to this Contract on this 16<sup>th</sup> day of February, 2001.

SILBER & PERLMAN, P.A.

Attest:

Sandra S. Perlman

By: Susan Silber (SEAL)  
Susan Silber

Date signed: 2/16/01

CITY OF TAKOMA PARK, MARYLAND

Attest:

Peggy L. Lerner 2/16/01

By: Richard M. Finn (SEAL)  
Richard M. Finn, City Administrator

Date signed: 2-16-01

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## ATTACHMENT 3

CORPORATION COUNSEL PERFORMANCE EVALUATION

Please circle the answer you feel is most accurate. There is a space at the end for additional written comments.

1. Is the legal advice that you receive from the Corporation Counsel complete, authoritative and correct as far as you can tell?

a. Always   b. Usually   c. Sometimes   d. Rarely

Comments: \_\_\_\_\_

2. Are communications, both written and oral, from the Corporation Counsel concise and understandable (that is, in plain English with a minimum of legalese)?

a. Always   b. Usually   c. Sometimes   d. Rarely

Comments: \_\_\_\_\_

3. Do you feel legal advice is preventive in nature, as opposed to being corrective after an action or decision has been made?

a. Always   b. Usually   c. Sometimes   d. Rarely

Comments: \_\_\_\_\_

4. How do you rate the quality and thoroughness of service from the Corporation Counsel?

a. Excellent  
b. Very good  
c. Satisfactory  
d. Needs Improvement  
e. Unacceptable

Comments: \_\_\_\_\_

Post-it® Fax Note		7671	Date	# of pages
To	Barclay Matthews		From	Jim Peck
Co./Dept.	Takoma Park		Co.	MMI
Phone #			Phone #	
Fax #			Fax #	

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SOUTH PORTLAND, CITY OF

P.03

5. How do you rate the Corporation Counsel's knowledge of municipal legal issues and efforts to keep abreast of changes in the laws that affect the City?

- a. Excellent
- b. Very good
- c. Satisfactory
- d. Needs Improvement
- e. Unacceptable

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Does the Corporation Counsel keep you adequately informed about the status of legal matters and legal implications of proposed actions or decisions?

- a. Always
- b. Usually
- c. Sometimes
- d. Rarely

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Does the Corporation Counsel meet your expectations as to response time for requested information or action?

- a. Always
- b. Usually
- c. Sometimes
- d. Rarely

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. Corporation Counsel's work with Councilors, City administration, other City departments, other attorneys and citizens to find resolutions to problems (rather than raising legal obstacles to resolution) is:

- a. Excellent
- b. Very good
- c. Satisfactory
- d. In need of Improvement
- e. Unacceptable

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. Does the Corporation Counsel retain your confidence when informing you of risks associated with proposed actions or decision?

a. Always   b. Usually   c. Sometimes   d. Rarely

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Corporation Counsel's communication skills with a wide range of persons, including citizens, Councilors, staff and other attorneys, are:

a. Excellent  
b. Very good  
c. Satisfactory  
d. In need of improvement  
e. Unacceptable

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. My overall evaluation of Corporation Counsel's performance for the past year is:

a. Excellent  
b. Very good  
c. Satisfactory  
d. Needs improvement  
e. Unacceptable

Suggested goals or objectives for the next year:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**ATTACHMENT 4****CITY ATTORNEY'S IMAGE QUESTIONNAIRE**

Name of City Attorney \_\_\_\_\_

1 = Never  
 2 = Seldom  
 3 = Sometimes  
 4 = Usually  
 5 = Always

What is your opinion concerning the city attorney's behavior:

- |      |   |   |   |   |   |   |
|------|---|---|---|---|---|---|
| (1)  | Is he/she considerate and courteous? .....  | 1 | 2 | 3 | 4 | 5 |
| (2)  | Does he/she demonstrate a thorough knowledge and understanding of municipal law? .....                                      | 1 | 2 | 3 | 4 | 5 |
| (3)  | Does he/she support those responsible to him/her? .....   | 1 | 2 | 3 | 4 | 5 |
| (4)  | Does he/she adjust rapidly to change in plans or procedures? .....  | 1 | 2 | 3 | 4 | 5 |
| (5)  | Does he/she function effectively under pressure? .....  | 1 | 2 | 3 | 4 | 5 |
| (6)  | Does he/she consider divergent views? .....   | 1 | 2 | 3 | 4 | 5 |
| (7)  | Does he/she show a willingness to try new approaches or methods? .....  | 1 | 2 | 3 | 4 | 5 |
| (8)  | Does he/she create a feeling of unity and enthusiasm among those in contact with him/her? .....                             | 1 | 2 | 3 | 4 | 5 |
| (9)  | Does he/she demonstrate a sense of humor at appropriate times? .....  | 1 | 2 | 3 | 4 | 5 |
| (10) | Does he/she make effective decisions? .....   | 1 | 2 | 3 | 4 | 5 |
| (11) | Does he/she effectively evaluate legal problems and alternatives? .....   | 1 | 2 | 3 | 4 | 5 |
| (12) | Does he/she coordinate the efforts of persons involved in legal issues? .....   | 1 | 2 | 3 | 4 | 5 |
| (13) | Is he/she conscious of the problems that exist on your level? .....   | 1 | 2 | 3 | 4 | 5 |
| (14) | Does he/she demonstrate leadership which results in meeting important goals and objectives? .....                           | 1 | 2 | 3 | 4 | 5 |
| (15) | Does he/she communicate clearly? .....  | 1 | 2 | 3 | 4 | 5 |
| (16) | Does he/she create a sense of trustworthiness when interacting with him/her? .....  | 1 | 2 | 3 | 4 | 5 |
| (17) | Does he/she keep the Council informed of council activities, decisions, and goals? .....                                    | 1 | 2 | 3 | 4 | 5 |
| (18) | Does he/she maintain sound fiscal control of the City's legal costs? .....  | 1 | 2 | 3 | 4 | 5 |
| (19) | Does he/she effectively involve others in the decision-making process? .....  | 1 | 2 | 3 | 4 | 5 |
| (20) | Does he/she maintain high standards of ethics, honesty, and integrity in all personal and professional relationships? ..... | 1 | 2 | 3 | 4 | 5 |
| (21) | Does he/she devote his/her time and energy effectively to his/her job? .....  | 1 | 2 | 3 | 4 | 5 |

P. 11

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper.

## ATTACHMENT 5

## CITY ATTORNEY EVALUATION FORM

1. Willing to work on new and innovative approaches to meet city goals rather than raising legal problems only.  
Most often \_\_\_\_\_ Often \_\_\_\_\_ Sometimes \_\_\_\_\_ Never \_\_\_\_\_
2. Willing to risk management and council displeasure by pointing out "downside" and risks of proposed policies, procedures and projects.  
Most often \_\_\_\_\_ Often \_\_\_\_\_ Sometimes \_\_\_\_\_ Never \_\_\_\_\_
3. Cooperates with the city management staff in meeting its needs for legal services, counsel and advocacy.  
Most often \_\_\_\_\_ Often \_\_\_\_\_ Sometimes \_\_\_\_\_ Never \_\_\_\_\_
4. Performs in a manner that is compatible with political and public relations aspects of local government.  
Most often \_\_\_\_\_ Often \_\_\_\_\_ Sometimes \_\_\_\_\_ Never \_\_\_\_\_
5. Recruits and maintains responsible and competent office staff.  
Most often \_\_\_\_\_ Often \_\_\_\_\_ Sometimes \_\_\_\_\_ Never \_\_\_\_\_
6. Communicates effectively with a wide range of persons.  
Most often \_\_\_\_\_ Often \_\_\_\_\_ Sometimes \_\_\_\_\_ Never \_\_\_\_\_
7. Is responsive, does not procrastinate, and provides answers in a timely fashion in an understandable manner.  
Most often \_\_\_\_\_ Often \_\_\_\_\_ Sometimes \_\_\_\_\_ Never \_\_\_\_\_
8. Keeps up with developments and changes in all the various facets of law affecting the city and its enterprises.  
Most often \_\_\_\_\_ Often \_\_\_\_\_ Sometimes \_\_\_\_\_ Never \_\_\_\_\_
9. Keeps the council and staff advised of new legislation and judicial developments that may have an impact on city activities.  
Most often \_\_\_\_\_ Often \_\_\_\_\_ Sometimes \_\_\_\_\_ Never \_\_\_\_\_

10. Eager to participate with council members and management in project planning and policy formation to enable early understanding of legal considerations.

Most often \_\_\_\_\_ Often \_\_\_\_\_ Sometimes \_\_\_\_\_ Never \_\_\_\_\_

11. Enjoys the respect and good opinion of members of the legal profession.

Most often \_\_\_\_\_ Often \_\_\_\_\_ Sometimes \_\_\_\_\_ Never \_\_\_\_\_

12. Accounts for time and communicates departmental activities to the council in a regular and effective manner.

Most often \_\_\_\_\_ Often \_\_\_\_\_ Sometimes \_\_\_\_\_ Never \_\_\_\_\_

Two things that the City Attorney does now that the Council would most like him to continue:

1.

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2.

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Two things that the City Attorney does now that the Council would most like him to discontinue:

1.

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2.

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Two things that the City Attorney does not do now that the Council would like him to do:

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Evaluating

**ATTACHMENT 6****CITY ATTORNEY EVALUATION**

Larry W. Berkowitz, Littleton, Colorado

1. **RESEARCH** - provides thorough, complete response to problems.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. **WRITING & DRAFTING ABILITY** - Demonstrates ability to express thoughts in an organized, clear, concise and persuasive manner.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. **ORAL EXPRESSION** - Demonstrates ability to communicate thoughts in an organized, clear, concise and persuasive manner.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. **JUDGMENT (Practical)** - Provides practical solutions to difficult problems; uses common sense; knows priorities.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. **JUDGMENT (Legal)** - Recognizes issues; is creative and able to provide innovative legal ideas and approaches.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. **KNOWLEDGE OF FIELD** - Has developed recognizable expertise and competence in field of specialization; can give answers to questions with certainty; incorporates changing rules and precedent in practice.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. **DEPENDABILITY** - Handles matters with minimum supervision; is reliable; is careful; fulfills responsibilities; completes assignments; follows up, is punctual.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. **WORK DEDICATION** - Is industrious, enthusiastic, willing; turns out high-quality work; is highly motivated.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. **RELATIONSHIP WITH STAFF** - (Recognizing that the Attorney's primary obligation is to the City Council); is cooperative, reasonable and tactful; impresses and is accepted by public.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. **RELATIONSHIP WITH PUBLIC** - (Recognizing that the Attorney's primary obligation is to the City Council); is cooperative, reasonable and tactful; impresses and is accepted by public.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. **INTEGRITY** - Is honest, is sensitive to ethical issues and avoids actual or apparent impropriety.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. **EFFICIENCY** - Accomplishes goals and tasks efficiently, delegates work when appropriate with clear and complete instructions; uses support staff efficiently.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. **MANAGEMENT/ADMINISTRATION** - Office is well-run, organized, efficient and productive.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. **SUPERVISION** - Employees are well-trained and supervised.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. **COUNCIL RELATIONS** - Impresses and is accepted by Council generally; Inspires confidence; is accessible.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## ATTACHMENT 7

## SELF-EVALUATION QUESTIONS

1. Leadership
  - Where are you leading your organization? What is your vision for your organization?
  - How do you communicate this direction to your employees?
  - Are you receiving adequate support from the City Commission, the City Manager, and your fellow department heads for your leadership?
2. Accountability and Responsibility for Money, Time, Conduct, and Other Resources
  - What accountability measures are you willing to live by personally?
  - How do you hold your employees accountable?
  - Is there anything you need to help you improve accountability?
3. Support of the Larger Organization
  - What are your philosophy and ideas about your responsibility to support and strengthen the leadership philosophy and the vision and mission of the larger organization?
  - How does your department fit into and support the larger organization?
  - What additional support does your department need from the organization?
4. Departmental Performance
  - How do you gauge the performance of your department?
  - What are your plans for improving performance?
  - What are your plans for improving the measurement of performance?
  - What do you need to help you improve performance?
5. Looking Ahead
  - What are you doing to prepare the next generation of leadership in your department?
  - How are you preparing your department for change?
  - What will be the most important issues in your area in the next decade?
  - What are your thoughts on dealing with these issues?

Date: 04/30/01  
Revised 05/30/01

Job Title: Assistant County Attorney II

Department/Bureau: Office of the County Attorney

Competency Area	Standards	Method of Measurement
Quality of Work	<p>Demonstrates superiority in the following areas:</p> <p>Substantive knowledge of local government law in the assigned areas</p> <p>Substantive knowledge of open meetings law, public information act, and laws generally pertaining to in-house government representation</p> <p>Knowledge of procedural law</p> <p>Research skills</p> <p>Advocacy skills</p> <p>Counseling skills</p> <p>Legal writing skills</p> <p>Analytical skills</p> <p>Logic and intellectual flexibility</p> <p>Accuracy and thoroughness in all the above</p>	<p>Observation</p> <p>Feedback</p> <p>Review of work</p> <p>Monthly (minimum) discussions with supervisor</p>
Quantity of Work	<p>Responds promptly to clients, co-workers, and the public</p> <p>Meets all deadlines</p> <p>Prioritizes assignments appropriately</p> <p>Manages time efficiently</p> <p>Responds appropriately and professionally to stress and /or workload increases</p> <p>Maintains accurate time sheets</p> <p>Initiates projects when needed or advisable</p> <p>Assists peers and support staff with overflow work</p> <p>Participates in outside organizations that have professional links to County government</p> <p>Participates in team projects</p> <p>Avoids creating last-minute rushes</p>	<p>Observation</p> <p>Feedback</p> <p>Review of work</p> <p>Monthly (minimum) discussions with supervisor</p>
Professional Development/Job Knowledge	<p>Remains informed of all significant changes and developments in the Law</p> <p>Attends at least two days' worth of continuing legal education</p> <p>seminars, programs, conventions annually</p> <p>Explores new specialty areas</p> <p>Willingly rotates client assignments</p> <p>Takes initiative in training clients and County staff on legal matters</p> <p>Strives for continuous improvement</p>	<p>Observation</p> <p>Feedback</p> <p>Documents</p> <p>Review of work</p> <p>Monthly (minimum) discussions with supervisor</p>
Dependability/Accountability	<p>Follows instructions, responds to management direction</p> <p>Demonstrates commitment to doing a good job</p> <p>Keeps commitments</p> <p>Takes personal responsibility for actions and results</p> <p>Work is completed on time or supervisor is informed</p>	<p>Observation</p> <p>Feedback</p>

Communication	Maintains good relations with clients, staff, other County employees, and the public Behaves professionally and courteously at all times, particularly in adversarial or confrontational situations Possesses highly advanced writing and verbal skills, demonstrating lucidity, succinctness, persuasiveness, and thoroughness Observes Rules of Professional Conduct at all times Maintains strict confidentiality Keeps supervisor informed of unusual or significant developments Consults supervisor for advice when appropriate Keeps clients and co-workers well-informed Restricts role to legal advice and representation	Observation Feedback Review of Work Monthly (minimum) discussions with supervisor
Attendance/Punctuality  Do not consider ADA or FMLA leave use	Complies with policies/procedures for taking leave Is punctual in arriving for scheduled work hours and is responsible about breaks Schedules leave well in advance and seldom calls in unexpectedly Does not frequently use sick leave	Observation Documented leave requests

Employee's Signature:

Supervisor's Signature:

Director's Signature:

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**S I L B E R &**

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# MEMO

**P E R L M A N**

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**To:** City Council  
**From::** Susan Silber, City Attorney  
**Subject:** Preliminary Suggestions for the Performance Evaluation - Process & Criteria  
**Date:** February 10, 2005

- (1) The time period of the evaluation should be specified -I would suggest calender year 2004.<sup>1</sup>
- (2) The City Council, as the authority that appoints the City Counsel, is responsible for the ultimate evaluation. Any performance evaluation should be based not only on legal services delivered directly to the Council, but also based on legal work to other City officials, departments, commissions, and committees. Therefore, City Manager Barbara Matthews should be tasked with surveying appropriate City staff and other agencies who receive legal services from the City Attorney for relevant feedback. Also, certain staff do not seek specific advice from the City Attorney but can offer their observations of the quality of City Attorney's coordination with other personnel in the City Government.

Suggested sources include:

- Wayne Hobbs, Deputy City Manager
- Karen Hampton, Human Resources Manager
- Cathy Waters, City Clerk
- Jessie Carpenter, Deputy City Clerk
- Suzanne Ludlow, Community & Government Liaison
- Sara Anne Daines, Housing & Community Development Director
- Rob Inerfeld, Senior Planner
- COLTA Commissioners
- Alfred Lott, Public Works Director
- Daryl Braithwaite, Deputy Public Works Director
- Lonni Moffet, Communications Manager
- Members of the Tree Commission
- Brett Linkletter, Arborist
- Mark Freedman, Chair of the Ethics Commission

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<sup>1</sup>If the Council establishes any performance standards that may not have been anticipated pursuant to these criteria/goals, evaluation should be deferred for a defined future period of implementation - e.g., 6 months? one year?

Silber & Perlman, P.A.

Memo to City Council

Re: Preliminary Suggestions for the Performance Evaluation - Process & Criteria

Page 2 of 3

February 10, 2005

- Jay Levy, Chair of NFZ Committee
- Cynthia Creamer, Police Chief
- Linda Walker, Landlord-Tenant/Housing
- Moses Wilds, Landlord-Tenant Mediation Specialist
- Jean Kerr, Housing Specialist
- Ellen Arnold Robbins, Library Director

(3) The Council is most informed about advice to the Council and legislative drafting, but other types of work should also be reviewed. For example:

- Code enforcement
- Contracts - e.g., Carroll Ave. Streetscape, Stormdrain cleaning, Rent Analyst
- Litigation - e.g., Rudy Arredondo v. Takoma Park, Floyd Campaign lawsuit, Vichi (concerning Tenant Opportunity to Purchase 22-24 Manor Circle)
- Appeals from COLTA decisions
- Personnel advice
- Legislative drafting
- Legislative recodifications
- Bonds - e.g., Street Repair Bond, Community Center Construction (Infrastructure Bond)
- MNCPPC - East Hampshire Center
- Advice to City Commissions: Tree Commission, Ethics Commission, COLTA

In each of these areas, the performance could be evaluated along the following factors/qualities:

- Resourcefulness
- Judgement
- Thoroughness
- Quality of advice
- Knowledge of legal subject area
- Clarity of writing
- Quality of advocacy
- Ability to work with others (Council, staff, members of the public)
- Timeliness
- Management of risk
- Proactive advice

Silber & Perlman, P.A.

Memo to City Council

Re: Preliminary Suggestions for the Performance Evaluation - Process & Criteria

Page 3 of 3

February 10, 2005

Outcome of Evaluation

- (1) Feedback on performance of the City Attorney, generally, as well as individual attorneys.
- (2) The City Attorney could also be evaluated for providing recommendations on how to reduce costs or apply a cost to benefit analysis to legal assignments.
- (3) More direction to the City Attorney:
  - Should we attend meetings more frequently?
  - Should we review agendas, minutes, closed meeting minutes?
  - Should we prioritize where recodification is appropriate?



# Memo

Office of the Mayor  
KATHY PORTER

January 28, 2005

To: Council

A few weeks back, Walter Behr, Mayor of Somerset, asked me if we could send him information on our city attorney's hourly rate. Apparently, his city attorney was asking for an increase in his fee and Walter wanted to survey other towns to see what they were paying. At the MML meeting last week, he told me that he had compiled the information, which is attached.

Kathy

*Kathy, I  
told you  
that you are  
benefiting  
from the lowest  
town attorney  
rates around.  
Walter*



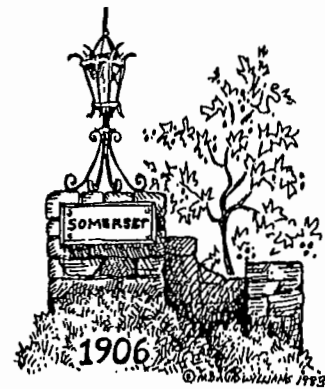
Walter J. Behr  
mayor

# TOWN OF SOMERSET

4510 Cumberland Avenue  
Chevy Chase, MD 20815  
(301) 657-3211  
Fax (301) 657-2773

[www.townofsomerset.com](http://www.townofsomerset.com)  
TTY users call Maryland Relay

December 29, 2004



Thomas W. Carter  
clerk-treasurer

**RECEIVED**  
**JAN 26 2005**  
**Office of City Administration**

TO: Council Members

FROM: Walter

SUBJECT: Town Attorney Rates

Item No. 15 for the January 3 Council meeting is:  
"Action on increasing Town Attorney's rate from \$190 to  
\$215 an hour."

Rates of attorneys for other Montgomery County  
municipalities and the special taxing district of  
Friendship Heights vary considerably, as you see below:

Paul Glasgow	\$275
Friendship Heights	

Martin Hutt	240
Town of Chevy Chase	

David Podolsky	225
Chevy Chase Village	
Chevy Chase Section 3	
Chevy Chase Section 5	
Chevy Chase View	
Garrett Park	

Stanley Abrams	220
Associates in Abrams' office	170
Gaithersburg	

(Gaithersburg employs an attorney full-time and refers only  
more difficult matters to Abrams.)